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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of DEBINSKI

Application No.: 09/226,794

Examiner: Ungar, S.

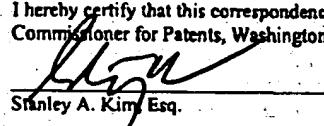
Date filed: January 7, 1999

Group: 1642

For: **METHOD FOR DIAGNOSING, IMAGING, AND TREATING TUMORS USING
RESTRICTIVE RECEPTOR FOR INTERLEUKIN 13**

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231, on February 10, 2002


Stanley A. Kim, Esq., Reg. No. 42,730

Commissioner for Patents
Washington, DC 20231

DECLARATION UNDER 37 C.F.R. §1.132

I, James R. Connor, Ph.D., declare that:

1. Waldemar Debinski, M.D., Ph.D., ("Dr. Debinski") and I are the coinventors of the subject matter described and claimed in the above-identified U.S. patent application.

2. I am a coauthor of the subject matter disclosed in Debinski et al., Abstract: Interleukin 13 Receptor Is A Therapeutic Target and Marker For Malignant Gliomas, 17th International Cancer Congress, August 23-28, 1998, Rio De Janeiro, Brazil ("the 1998 Abstract"). The 1998 Abstract also names D. M. Gibo, S.W. Hulet, Dr. Debinski, G.Y. Gillespie, and R.K. Puri as coauthors. Of the six coauthors of the 1998 Abstract, only Dr.

WP076525;1

Debinski and I are coinventors of the subject matter disclosed in the 1998 Abstract used to reject the claims pending in the above-identified patent application. The other coauthors are not coinventors, but rather assisted with conventional techniques under Dr. Debinski's and my direction.

3. Denise M. Gibo, a research assistant, assisted with experiments that Dr. Debinski and I designed by preparing tissue sections and performing autoradiography. She did not make an inventive contribution to the subject matter disclosed in the 1998 Abstract used to reject the claims pending in the above-identified patent application.

4. Stanley W. Hulet, a graduate student under my supervision, performed autoradiograph experiments that Dr. Debinski and I designed. He did not make an inventive contribution to the subject matter disclosed in the 1998 Abstract used to reject the claims pending in the above-identified patent application.

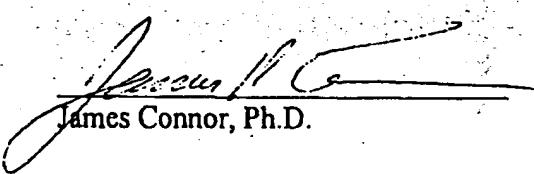
5. Dr. G.Y. Gillespie, a recognized expert in the field of brain tumors, provided glioblastoma samples used in the studies reported in the 1998 abstract and assisted in experiments with animal models of intracranial glioblastoma using the cytotoxins described therein. He did not make an inventive contribution to the subject matter disclosed in the 1998 Abstract used to reject the claims pending in the above-identified patent application.

6. Dr. R. K. Puri performed some of the radio-labeling of the IL13 used in the

described assays. He did not make an inventive contribution to the subject matter disclosed in the 1998 Abstract used to reject the claims pending in the above-identified patent application.

I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2-6-02
Date


James Connor, Ph.D.

(WP076555;1) WP076525;1



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Stanley A. Kim, Esq.

Reg. No.42,730

Commissioner for Patents
Washington, DC 20231

DECLARATION UNDER 37 C.F.R. §1.132

I, Waldemar Debinski, M.D., Ph.D., declare that:

1. James R. Connor, Ph.D., ("Dr. Connor") and I are the coinventors of the subject matter described and claimed in the above-identified U.S. patent application.

2. I am a coauthor of the subject matter disclosed in Debinski et al., Abstract:

Interleukin 13 Receptor Is A Therapeutic Target and Marker For Malignant Gliomas, 17th International Cancer Congress, August 23-28, 1998, Rio De Janeiro, Brazil ("the 1998 Abstract"). The 1998 Abstract also names D. M. Gibo, S.W. Hulet, Dr. Connor, G.Y. Gillespie, and R.K. Puri as coauthors. Of the six coauthors of the 1998 Abstract, only Dr. Connor and I

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are coinventors of the subject matter disclosed in the 1998 Abstract used to reject the claims pending in the above-identified patent application. The other coauthors are not coinventors, but rather assisted with conventional techniques under Dr. Connor's and my direction.

3. Denise M. Gibo, a research assistant, assisted with experiments that Dr. Connor and I designed by preparing tissue sections and performing autoradiography. She did not make an inventive contribution to the subject matter disclosed in the 1998 Abstract used to reject the claims pending in the above-identified patent application.

4. Stanley W. Hulet, a graduate student under my supervision, performed autoradiograph experiments that Dr. Connor and I designed. He did not make an inventive contribution to the subject matter disclosed in the 1998 Abstract used to reject the claims pending in the above-identified patent application.

5. Dr. G.Y. Gillespie, a recognized expert in the field of brain tumors, provided glioblastoma samples used in the studies reported in the 1998 abstract and assisted in experiments with animal models of intracranial glioblastoma using the cytotoxins described therein. He did not make an inventive contribution to the subject matter disclosed in the 1998 Abstract used to reject the claims pending in the above-identified patent application.

6. Dr. R. K. Puri performed some of the radio-labeling of the IL13 used in the described assays. He did not make an inventive contribution to the subject matter disclosed in

(WP076556;1)WP076526;1

the 1998 Abstract used to reject the claims pending in the above-identified patent application.

I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2/5/02

Date



Waldemar Debinski, M.D., Ph.D.

{WP076556;1} WP076526;1